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PART II — Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in Rajya Sabha on 24th February, 2015:—

COMPOSITION OF THE COMMITTEE

(Constituted on 23/12/2014)

1. Shri Bhupender Yadav — *Chairman*
2. Shri Avinash Rai Khanna
3. Shri Rangasayee Ramakrishna
4. Shri Digvijaya Singh
5. Shri Shantaram Naik
6. Shri Alok Tiwari
7. Shri Satish Chandra Misra
8. Shri K.C. Tyagi
9. Shri A. Navaneethakrishnan
10. Shri K.N. Balagopal
11. Shri Bhupinder Singh
12. Shrimati Gundu Sudharani
13. Shri Rajeev Chandrasekhar
14. Shri Sukhendu Sekhar Roy
15. Shri Anil Desai

SECRETARIAT

1. Shri A.K. Singh — *Joint Secretary*
2. Shri Vimal Kumar — *Director*
3. Shri Sameer Suryapani — *Joint Director*
4. Shri Deepak Kalra, — *Assistant Director*

PREFACE

I, the Chairman of the Select Committee of the Rajya Sabha on The Repealing and Amending Bill, 2014, to whom the aforesaid Bill, as passed by Lok Sabha on 8th December, 2014, was referred, having been authorised by the Select Committee to present the report on its behalf, present this Report of the Select Committee along with the Bill, annexed thereto.

2. The Committee heard the Secretary/Additional Secretary, Legislative Department on the Bill on three occasions *i.e.* 9th Jan, 2nd Feb and 12th February, 2015. Apart from that, the Committee heard the Chairman, Railway Board and Secretary, Shipping on amendments proposed in the Railway (Amendment) Act, 2008 and the Indian Maritime University Act, 2008, respectively through this Bill.

3. While considering the Bill, the Committee took note of the following documents/papers placed before it:—

- (a) The Repealing and Amending Bill, 2014 as passed by the Lok Sabha on 8th December, 2014;
- (b) Background Note on the Bill furnished by the Ministry of Law and Justice (Legislative Department);
- (c) Background Note on the Bill furnished by the Ministry of Railways;
- (d) Background Note on amending the Indian Maritime University Act, 2008 furnished by the Ministry of Shipping; and
- (e) Statement regarding the Repealing and Amending Bill, 2014 furnished by the Ministry of Law and Justice (Legislative Department).

4. Apart from appropriate modifications in Enacting Formula and Clause I of the Bill, the Committee has also given some recommendations which are of critical importance but were not covered by the Bill. It is important that these recommendations are duly incorporated.

5. The Committee wishes to express its gratitude to the representatives of the Ministries of Law & Justice (Legislative Department), Railways and Shipping for rendering valuable assistance to the Committee in its deliberations.

6. The Committee considered and adopted the report in its meeting held on the 20th February, 2015.

7. The recommendations/observations of the Committee are set out at appropriate places in the report.

NEW DELHI;
24th February, 2015

BHUPENDER YADAV
Chairman,
Select Committee on
The Repealing and Amending Bill, 2014, Rajya Sabha.

REPORT

The Repealing and Amending Bill, 2014 was introduced in the Lok Sabha on 3rd December, 2014 and considered and passed by it on 8th December, 2014. The said Bill on a motion (**Annexure-I**) moved by the Ministry of Law and Justice was adopted by Rajya Sabha on 23rd December, 2014 and was referred to the Select Committee of Rajya Sabha for examination and report by the last day of the first week of the next Session (Budget Session, 2015).

2. The Repealing and Amending Bill, 2014 contains two schedules *i.e.* **Schedule-I** of the Bill dealing with the repeal part which pertains to ninety amendments (All Central Acts) out of which eighty eight Acts are to be repealed wholly and only two Amendment Acts namely The Essential Commodities (Amendment) Act, 2006 and The State Bank of India (Subsidiary Banks) Amendment Act, 2009 are to be repealed partially. The **Schedule-II** deals with the Amendments of two Central Acts *i.e.* The Railways (Amendment) Act, 2008 and The Indian Maritime University Act, 2008.

3. As per the background note submitted by the Legislative Department the said Bill is one of the periodical measures undertaken by the Legislative Department whereby enactments which have ceased to be in force or have become obsolete or the retention whereof as separate Acts is unnecessary are repealed or by which the formal defects detected in enactments are also corrected. This practice is known as the “scavenging of the statute book”.

4. In the meeting held on 9th January, 2015 the Secretary, Legislative Department informed that since 1950, ten Repealing and Amending Acts have been enacted by which 1367 Acts have been repealed. The last Repealing and Amending Act was passed in the year 2001 covering Acts upto and inclusive of the year 1998. In addition to the said Acts, the British Statutes (Application to India) Repeal Act, 1960 was enacted to repeal 258 British Statutes in their application to India.

5. He further stated as under:

“.... written law, legislation is the main, prime source of law and every year the number of pages which are added to the statute book are astonishing in every jurisdiction and when laws are enacted, they are enacted with a definite purpose. Parliament has the supremacy to enact a law as per the powers conferred on it under the Constitutional provisionos. When a law is enacted and brought into force, then it becomes necessary to have a review of the Act and go for repeal. This practice of repeal was first started in 1897 during the British period.”

6. In the meeting held on 2nd February, 2015 the Secretary, Legislative Department submitted as under:

“.... in 1999, when the Repealing and Amending Bill was introduced, it was, for the first time, referred to the Standing Committee on Home Affairs. The 2001 Bill contained not only the amending Acts but also the principal Acts. The Amending Acts were proposed to rectify patent errors and nothing more than that. If there is any substantive amendment, then that amendment is brought before the Parliament by way of an amendment Bill and only after it is passed by the Parliament the amendment takes place and that is in the form of textual amendment.

7. One Act is related to the Ministry of Railways and another is related to the Ministry of Shipping. Here we say that in section such and such of the Act (hereinafter referred to as the principal Act). This is the drafting defect which has been noticed. Usually we say that in such and such Act (hereinafter referred to as the principal Act) in section so and so which is intended to be amended. In this case, Sir, we said, “In section 2 of such and such Act

(hereinafter referred to as the principal Act)”. That gives the impression as if section 2 is the principal Act. This is not correct. This is the formal defect which has come to the notice and the Bill intends to remove it.

8. Similarly, in the case of the Indian Maritime University Act, it is relating to section 2. Generally, in all the principal Acts, section 2 or section 3 refers to the definition clause. Whatever words and expressions are used in the Act, they are defined in section 2 of the Act. Section 2 of the Act says, “In this Act, and in all Statutes made hereunder, unless the context otherwise requires,..” This is basically a definition clause. This deals with various definitions. What it intends to say is that in this Act, and in all Statutes made ‘thereunder’ meaning that Statute will be made under different sections. In this Act and in all statutes, the definition given in section 2 shall apply. This is the intent but the word selected at that time by the person drafting it was not appropriate. It has come to our notice, so we thought that this could be rectified. This has been the practice.”

9. He also added that: “I would like to put forth something which has been observed by our hon. Supreme Court. This issue has been examined in the Supreme Court in various cases and it has been held that in the class of cases contemplated by Section 6A of the General Clauses Act, the function of incorporating legislation is taken almost wholly as the function of effecting the incorporation and when that function is accomplished, the legislation dies, as it were, its natural death, which is formally effected by its repeal.

10. So, directly the Supreme Court has not passed any order that it must be repealed, but they have observed that the function of effecting the incorporation, and when that function is accomplished

11. The Committee, thereafter, discussed plethora of inter-connected issues like reasons for clubbing the two exercises, reasons for not having a sunset and automatic clause in the Bills, need for repeal, Supreme Court’s judgements on the issue, standard format of reply, fixed time frame for this exercise, etc which have been dealt separately in the succeeding paras.

CLUBBING OF AMENDING AND REPEALING EXERCISE

12. A point was raised as to why the two exercises *i.e.* Repealing and Amending have been clubbed together in this Bill and whether two separate bills on each subject were not possible.

13. While deposing before the Committee, Secretary, Legislative Department informed that this had been the practice in vogue. Since 1950, ten Repealing and Amending Act have been enacted and the last Repealing and Amending Exercise was carried out in the year 2001. By doing so the Department is observing the practice followed since British period. However there is no harm if the two exercises be done separately.

14. Thereafter, a point was also raised whether the mandate to carry out any amendments in the Act lies with the Committee or it was an attempt to get it cleared through this Select Committee without knocking the doors of Parliament.

15. Secretary, Legislative Department while giving clarifications on the issues stated that the Department is nowhere attempting to carry out the amendments proposed in the Second Schedule of the Bill in a disguised manner. In order to carry out any amendment in a particular Act, the power, no doubt lies with the Legislature and they are not denying that. However, the amendment proposed in the Bill is not of substantive nature. The amendments proposed in the two Acts namely *i.e.* The Railways (Amendment) Act, 2008 and The Maritime University Act 2008 fall under two categories—one relates to errors/mistakes committed at the drafting stage and the other pertaining to patent errors. The Ministry had been following this practice for years together. The very amendments proposed in the Bill will not in any way change the intention with any particular Act was enacted/brought in. In addition to that, for the sake of reference a

footnote is also placed at the bottom of the principal Act giving details of any amendment/change being brought in the Act together with the year in which amendment was carried out.

SUNSET CLAUSE/AUTOMATIC REPEAL

16. Secretary, Legislative Department also drew the attention of the Committee towards the 'Sunset clause' and Ministry's reluctance to place such clause in the Act itself as he stated that, at the drafting stage, the drafters are refrained from adding a sunset clause in the Bill because it may have its own repercussions though it cannot be envisaged at the drafting stage but may crop up in future. At this, the Committee was of the view that if a sunset clause is added in the Bill at the drafting stage, it will save the precious time of the Legislature as well as that of the Committee. Further, if the Ministry is refrained or not following the practice of including the sunset clause in the Bill, it may opt for an automatic repeal of the particular Act when the same Act has replaced it. For example, Appropriation Acts (Finance and Railways) are introduced every year but previous years' Appropriation Acts remain effective till such time they are repealed. Due to this, long list of aforesaid Acts continue to pile up and may reach the figure of more than 500-1000 and congest the already over burdened statute books for years. The Committee, therefore, feels that if there had been a provision of automatic repeal in the Act, this huge exercise together with precious time and energy could have been easily saved.

17. The Committee recommends that the Ministry should explore the possibility of having an idea for inclusion of an 'automatic repeal clause' at the first instance in the Railway Appropriation and Finance Appropriation Acts as every year a new Railway and Finance Appropriation Acts are introduced but the previous years' Appropriation Acts continue to pile up and remain effective till repealed. Similarly, the Ministry may also explore introduction of identical clause in other Bills. The Committee is of the considered view that with this provision, a lot of time could be saved and utilized on urgent public interest issues pending with the Legislature.

NEED FOR REPEAL viz-a-viz SUPREME COURT JUDGEMENTS

18. Secretary, Legislative Department while drawing the attention towards the 148th Report of the Law Commission, in his deposition before the Committee stated that statutes do not die a natural death, with the possible exception of statute whose life is pre-determined by the legislature at the time of their enactment. A statute, unless it is expressly enacted for a temporary period, survives until it is killed by repeal. The Committee's attention was also drawn towards Section 6 A of the General Clauses Act, 1897 which states that repeal of a statute does not repeal such portion of the statute which has already been incorporated into another statute.

19. The Law Commission in its 148th Report Page 2 made the following observations:—

"the formal repeal of an obsolete Act achieved through a repealing Act is not to be viewed as a mere technical exercise. It has wider role to perform and has a place of its own in the working of the legal system. Such a repealing Act is essentially a part of statute law revision, which, in its turn, is comprised within the concept of law reform in its totality."

20. This issue has been examined by the Supreme Court in various cases and it has been held that in the class of cases contemplated by section 6A of the General Clauses Act, 1897, the function of the incorporating legislation is taken almost wholly as the function of effecting the incorporation and when that function is accomplished, the legislation dies as it were, a natural death which is formally effected by its repeal [AIR 1962 SC 316 (334)]. The textual amendments become part of the amended Act, and the repeal of the Amending Act does not affect the textual amendments which are so incorporated in the principal Act [AIR 1960 Punjab 375 (376, 377)].

21. The Committee feels that the mandate of Section 6A of the General Clauses Act, 1897 creates hindrance in the way of 'automatic repeal clause' at the drafting stage of any Bill. The Committee is also aware that Hon'ble Supreme Court in their judgements have not stated directly about requirement of repeal but only mentioned in implied sense owing to Section 6A. In the light of the above, the Committee recommends that the Ministry of Law and Justice (Legislative Department) may explore the possibility of bringing suitable amendments in Section 6A of the General Clauses Act so as to include the 'automatic repeal clause' in the Bill to avoid this extensive repealing and amending exercise through Bills.

FIXED TIME FRAME FOR REPEAL

22. The Legislative Department in their background note on the Bill stated as under:—

"The enactment of Repealing and Amending Act since 1950 is one of the periodical measures undertaken by the Legislative Department whereby enactments which have ceased to be in force or have become obsolete or the retention whereof as separate and independent Act is unnecessary, then, such enactments are repealed, or as the case may be, to remove any formal defects in any enactment which comes to notice during its administration.

23. *So far, ten Repealing and Amending Acts have been passed through which 1367 enactments have been repealed. The principal object of such Acts is to "Excise dead matter, prune off superfluities and reject clearly inconsistent enactments". The last such enactment was the Repealing and Amending Act, 2001 (30 of 2001), in which the Acts from the year 1985 to 1998 were included."*

24. The Following table depicts Repealing and Amendment Acts since 1950:

S.No.	Short Title	Act No.	Number of Acts repealed
1.	The Repealing and Amending Act, 1950	35 of 1950	72
2.	The Repealing and Amending Act, 1952	48 of 1952	72
3.	The Repaling and Amending Act, 1953	42 of 1953	31
4.	The Repealing and Amending Act, 1957	36 of 1957	160
5.	The Repealing and Amending Act, 1960	58 of 1960	151
6.	The Repealing and Amending Act, 1964	52 of 1964	73
7.	The Repealing and Amending Act, 1974	56 of 1974	193
8.	The Repealing and Amending Act, 1978	38 of 1978	112
9.	The Repealing and Amending Act, 1988	19 of 1988	196
10.	The Repealing and Amending Act, 2001	30 of 2001	307
Total			1367

25. A perusal of the above tabular chart suggests that while the first repealing and amending exercise was carried out in the year 1950. The next exercise was initiated after a gap of 2 years *i.e.* 1952, the third such exercise was initiated after a gap of 1 year, fourth after 4 years, fifth after 3 years, sixth after 4 years, seventh after 10 years, eighth after 4 years, ninth after 10 years and the last such exercise was initiated after 13 long years.

26. The Committee feels that there has to be uniformity in this entire process. When the effect of Repealing and Amending Act is to remove dead matters from the statute books then what is the need for keeping them for so long or waiting for an opportune time for their repeal? The Committee feels that there is no point in keeping

Amendment Acts pending for so long and clubbing them together to carry out Repealing and Amending exercise and therefore, recommends that there should be a fixed time frame, say in every 5 years the Ministry has to carry out this exercise, and make every possible effort in that direction so that the Amendment Bills kept pending, be included in subsequent Repealing and Amending Bills.

STANDARD FORMAT OF REPLY.

27. In the meeting held on 09.1.2015, the Committee enquired about the intent with which these 90 Amendment Acts are proposed to be repealed. Further, they were not aware about the object and reasons with which the Bill was introduced and asked the Secretary, Legislative Department to furnish details like purpose of the Act in every case so that the Committee may take a view in the matter. Thereafter, a statement was furnished by the Department (**Annexure II**) in which different terminologies like 'Agreed to repeal', 'No objection for repeal', 'Concurred for repeal', were used.

28. The Committee feels that these types of terminologies may be used and can be handy for drafters but a close perusal of them also raises an apprehension amongst the minds of the readers as to whether the written consent of the Administrative Ministry was obtained or not in the present case and a standard format was adopted by the Department. The Committee feels that Legislative Department may refrain from using such forms of replies and instead opt the practice of using those terminologies which could be easily understandable by readers and which is also less confusing.

29. The presentation made by the Legislative Department on the Bill reflects that the practice of carrying out this whole exercise is actually a requirement as per clause 6A of the General Clauses Act. Further, the repealing of Ninety (90) Amendment Acts does not affect the continuance in force of the amendments which have already become part of the principal Acts. The 90 Amending Acts, though are dead and have no legal significance, are continuing and congesting the statute books till they are actually repealed. Therefore, it is felt that the statute book is littered with amendment acts which no longer serve any useful purpose. In view of the above, the Committee recommends repeal of Ninety (90) Amendment Acts proposed in the Bill.

30. The Schedule-II of the Bill proposes to amend 2 Acts [The Railways (Amendment) Act, 2008 and The Indian Maritime University Act, 2008] falling within the ambit of the Ministries of Railways & Shipping respectively to rectify patent errors or inadvertent mistakes therein.

AMENDMENT PROPOSED IN SECTION 2 OF THE RAILWAYS (AMENDMENT) ACT, 2008

31. The Committee heard the Chairman, Railway Board, Ministry of Railways on the proposed amendment in Section 2 of the Railways (Amendment) Act, 2008. In his deposition before the Committee, the Chairman Railway Board stated that acquisition of land was being done under the provision of Land Acquisition Act, 1894. The provision of Land Acquisition Act, 1894 were not helping in faster acquisition of land mainly due to litigation and making it time consuming process. Therefore, a need was felt for amending the Railways Act, 1989 for inclusion of Land Acquisition Clause, for the Special Railway Project. Subsequently, the Railways Act 1989 was amended in 2008 enabling the Ministry of Railways to acquire land for "Special Railway Projects".

32. The existing provision *vis-a-vis* the proposed Amendment Act are detailed as under:

Existing Provision	Proposed Amendment
2. In section 2 of the Railways Act, 1989 (hereinafter referred to as the principal Act)	2. The Railways Act, 1989 (hereinafter referred to as the principal Act) in section 2.

33. The proposed Amendment in the Railways (Amendment) Act, 2008 would rectify the mistake that had inadvertently crept in at the time of the enactment of the Act and would not change the basic structure of any Section of the Act but would give clarity to Section 2 of the Act.

34. The Committee being satisfied with the reasoning given by the Chairman, Railway Board that the amendment proposed in the Railways (Amendment) Act, 2008 is to rectify the mistake that had inadvertently crept at the time of enactment of the Act and recommends that the Railways (Amendment) Act, 2008 may be amended to the extent proposed in the Bill.

AMENDMENT PROPOSED IN SECTION 2 OF THE INDIAN MARITIME UNIVERSITY ACT, 2008

35. In his deposition before the Committee the Secretary, Ministry of Shipping submitted that the Bill namely "The Indian Maritime University Bill, 2007" was vetted by the Ministry of Law and Justice (Legislative Department) and after its enactment received assent of President on 11th November, 2008. The same was published by the Legislative Department in the Gazette of India on 11/11/2008. The Indian Maritime University Act, 2008 came into force from 14/11/2008.

36. Presently, the proposal of the Ministry of Law and Justice, Legislative Department is to amend Section 2, as to substitute the line:

" In this Act, and in all statutes made hereunder, unless the context otherwise requires"

"by"

"In this Act, in all the Statutes made thereunder, unless the context otherwise requires"

37. The proposed amendment is minor in nature and seeks to remove a patent error. A reading of Section 2 gives an impression that the Statutes of the Indian Maritime University Act are framed under Section 2 which is erroneous since statutes of the Indian Maritime University Act is made under Section 28 of the Act. The present amendment will correct this anomaly and make the position clear that Statutes are to be made by exercise of powers in terms of relevant provisions provided elsewhere in the Act and not under Section 2. It will also clarify the position that Section 2 is essentially the definition clause and is confined to defining expressions used in the Act.

38. The Committee being satisfied with reasoning advanced by the Secretary, Ministry of Shipping that the amendment proposed in the Indian Maritime University Act, 2008, is to replace the word 'hereunder' with 'thereunder' is minor in nature and seeks to remove a patent error and recommends that the Amendment in the Indian Maritime University Act, 2008 may be carried out as proposed in the Bill.

Enacting Formula and Clause 1

39. Amendments made in the enacting Formula and Clause 1 of the Bill is of formal nature, necessitated due to passage of time.

40. The Committee recommends that the Bill, as reported by it, be passed. The Government may also take further measures, as recommended by it in this Report.

41. The Committee recommends that in addition to proposed repeal of the Ninety Amendments Acts in Schedule-I and Two Amendments in Schedule-II of the Bill, the other recommendations given by the Select Committee should also be given due impetus to achieve the objective with which the Bill was introduced.

THE REPEALING AND AMENDING BILL, 2014

(AS REPORTED BY THE SELECTIVE COMMITTEE)

*(Words and figures underlined indicate the amendments
suggested by the Select Committee)*

THE REPEALING AND AMENDING BILL, 2015

A

BILL

to repeal certain enactments and to amend certain other enactments.

BE it enacted by Parliament in the Sixty-Sixth Year of the Republic of India as follows:—

1. This Act may be called the Repealing and Amending Act, 2015. Short title.
2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.
3. The enactments specified in the Second Schedule are hereby amended to the extent and the manner mentioned in the fourth column thereof. Amendment of certain enactments.
4. The repeal by this Act of any enactment shall not affect any Act in which such enactment has been applied, incorporated or referred to; Savings.

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE

(See section 2)

REPEALS

Year	No.	Short title	Extent of repeal
1999	1	The Export-Import Bank of India (Amendment) Act, 1998	The whole.
1999	7	The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 1998	The whole.
1999	16	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1999	The whole.
2000	1	The Recovery of Debts Due to Banks and Financial Institutions (Amendment) Act, 2000	The whole.
2000	7	The Small Industries Development Bank of India (Amendment) Act, 2000	The whole.
2000	12	The Food Corporations (Amendment) Act, 2000	The whole.
2000	15	The National Housing Bank (Amendment) Act, 2000	The whole.
2000	17	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2000	The whole.
2000	18	The Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Amendment Act, 2000	The whole.
2000	22	The Major Port Trusts (Amendment) Act, 2000	The whole.
2000	23	The Insecticides (Amendment) Act, 2000	The whole.
2000	35	The Border Security Force (Amendment) Act, 2000	The whole.
2000	39	The State Financial Corporations (Amendment) Act, 2000	The whole.
2000	44	The Multimodal Transportation of Goods (Amendment) Act, 2000	The whole.
2000	55	The National Bank for Agriculture and Rural Development (Amendment) Act, 2000	The whole.
2001	10	The Chit Funds (Amendment) Act, 2001	The whole.
2001	23	The Warehousing Corporations (Amendment) Act, 2001	The whole.
2001	27	The Food Corporations (Amendment) Act, 2001	The whole.
2001	38	The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2001	The whole.

Year	No.	Short title	Extent of repeal
2001	40	The Inland Waterways Authority of India (Amendment) Act, 2001	The whole.
2001	46	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2001	The whole.
2001	54	The Explosive Substance (Amendment) Act, 2001	The whole.
2002	14	The Inter-State Water Disputes (Amendment) Act, 2002	The whole.
2002	29	The Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Amendment) Act, 2002	The whole.
2002	30	The Sugar Development Fund (Amendment) Act, 2002	The whole.
2002	31	The Salaries and Allowances of Officers of Parliament (Second Amendment) Act, 2002	The whole.
2002	34	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2002	The whole.
2002	40	The General Insurance Business (Nationalisation) Amendment Act, 2002	The whole.
2002	42	The Insurance (Amendment) Act, 2002	The whole.
2002	51	The Homoeopathy Central Council (Amendment) Act, 2002	The whole.
2002	52	The Indian Medicine Central Council (Amendment) Act, 2002	The whole.
2002	55	The Negotiable Instruments (Amendment and Miscellaneous Provisions) Act, 2002	The whole.
2002	56	The Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Second Amendment) Act, 2002	The whole.
2002	62	The Consumer Protection (Amendment) Act, 2002	The whole.
2003	7	The High Court Judges (Salaries and Conditions of Service) Amendment Act, 2002	The whole.
2003	8	The Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2002	The whole.
2003	10	The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002	The whole.
2003	11	The Companies (Second Amendment) Act, 2002	The whole.
2003	35	The Delhi High Court (Amendment) Act, 2003	The whole.
2003	37	The Essential Commodities (Amendment) Act, 2003	The whole.
2003	44	The Sixth Schedule to the Constitution (Amendment) Act, 2003	The whole.
2003	48	The National Bank for Agriculture and Rural Development (Amendment) Act, 2003	The whole.
2003	51	The Railways (Second Amendment) Act, 2003	The whole.

Year	No.	Short title	Extent of repeal
2003	58	The Indian Medicine Central Council (Amendment) Act, 2003	The whole.
2003	59	The Merchant Shipping (Amendment) Act, 2003	The whole.
2004	4	The Prevention of Terrorism (Amendment) Act, 2003	The whole.
2004	6	The Citizenship (Amendment) Act, 2003	The whole.
2004	9	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003	The whole.
2004	16	The Foreigners (Amendment) Act, 2004	The whole.
2004	24	The Banking Regulation (Amendment) and Miscellaneous Provisions Act, 2004	The whole.
2004	30	The Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Act, 2004	The whole.
2005	19	The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2005	The whole.
2005	32	The Citizenship (Amendment) Act, 2005	The whole.
2005	40	The Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum (Amendment) Act, 2005	The whole.
2005	45	The Warehousing Corporations (Amendment) Act, 2005	The whole.
2005	46	The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2005	The whole.
2006	2	The Criminal Law (Amendment) Act, 2005	The whole.
2006	5	The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2006	The whole.
2006	6	The Contempt of Courts (Amendment) Act, 2006	The whole.
2006	26	The Reserve Bank of India (Amendment) Act, 2006	The whole.
2006	40	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006	The whole.
2006	45	The Banking Companies (Acquisition and Transfer of Undertakings and Financial Institutions Laws (Amendment) Act, 2006	The whole.
2006	54	The Essential Commodities (Amendment) Act, 2006	Sections 2 to 5.
2007	17	The Banking Regulation (Amendment) Act, 2007	The whole.
2007	18	The National Tax Tribunal (Amendment) Act, 2007	The whole.
2007	30	The State Bank of India (Subsidiary Banks Laws) Amendment Act, 2007	The whole.
2007	32	The State Bank of India (Amendment) Act, 2007	The whole.
2007	35	The Inland Vessels (Amendment) Act, 2007	The whole.
2007	40	The Merchant Shipping (Amendment) Act, 2007	The whole.

Year	No.	Short title	Extent of repeal
2008	4	The Sugar Development Fund (Amendment) Act, 2008	The whole.
2008	30	The Salaries and Allowances of Officers of Parliament (Amendment) Act, 2008	The whole.
2009	5	The Code of Criminal Procedure (Amendment) Act, 2008	The whole.
2009	11	The Supreme Court (Number of Judges) Amendment Act, 2008	The whole.
2009	20	The Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009	The whole.
2009	23	The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009	The whole.
2009	48	The State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiary Banks) Amendment Act, 2009	Sections 3 to 11.
2010	27	The State Bank of India (Amendment) Act, 2010	The whole.
2010	37	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2010	The whole.
2010	41	The Code of Criminal Procedure (Amendment) Act, 2010	The whole.
2010	43	The Indian Medicine Central Council (Amendment) Act, 2010	The whole.
2011	7	The State Bank of India (Subsidiary Banks) Amendment Act, 2011	The whole.
2011	17	The State Bank of India (Subsidiary Banks Laws) Amendment Act, 2011	The whole.
2012	5	The New Delhi Municipal Council (Amendment) Act, 2011	The whole.
2012	8	The Life Insurance Corporation (Amendment) Act, 2011	The whole.
2012	11	The Export-Import Bank of India (Amendment) Act, 2011	The whole.
2012	26	The North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012	The whole.
2012	36	The Chemical Weapons Convention (Amendment) Act, 2012	The whole.
2013	1	The Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Act, 2012	The whole.
2013	4	The Banking Laws (Amendment) Act, 2012	The whole.
2013	27	The Wakf (Amendment) Act, 2013	The whole.

THE SECOND SCHEDULE

(See section 3)

AMENDMENTS

Year	No.	Short title	Amendments
2008	11	The Railways (Amendment) Act, 2008	In section 2,— (i) the words and figure “section 2 of” shall be omitted; (ii) after the brackets and words “(hereinafter referred to as the principal Act)”, insert the words and figure “in section 2”.
2008	22	The Indian Maritime University Act, 2008	In section 2, for the words “in all Statutes made hereunder”, substitute the words “in the Statutes made thereunder”.

Recommendations/Observations at a Glance

The Committee recommends that the Ministry should explore the possibility of having an idea for inclusion of an 'automatic repeal clause' at the first instance in the Railway Appropriation and Finance Appropriation Acts as every year a new Railway and Finance Appropriation Acts are introduced but the previous years' Appropriation Acts continue to pile up and remain effective till repealed. Similarly, the Ministry may also explore introduction of identical clause in other Bills. The Committee is of the considered view that with this provision, a lot of time could be saved and utilized on urgent public interest issues pending with the Legislature.

2. The Committee feels that the mandate of Section 6A of the General Clauses Act, 1897 creates hindrance in the way of 'automatic repeal clause' at the drafting stage of any Bill. The Committee is also aware that Hon'ble Supreme Court in their judgements have not stated directly about requirement of repeal but only mentioned in implied sense owing to Section 6A. In the light of the above, the Committee recommends that the Ministry of Law and Justice (Legislative Department) may explore the possibility of bringing suitable amendments in Section 6A of the General Clauses Act so as to include the 'automatic repeal clause' in the Bill to avoid this extensive repealing and amending exercise through Bills.

3. The Committee feels that there has to be uniformity in this entire process. When the effect of Repealing and Amending Act is to remove dead matters from the statute books then what is the need for keeping them for so long or waiting for an opportune time for their repeal? The Committee feels that there is no point in keeping Amendment Act pending for so long and clubbing them together to carry out Repealing and Amending exercise and therefore, recommends that there should be a fixed time frame, say in every 5 years the Ministry has to carry out this exercise, and make every possible effort in that direction so that the Amendment Bills kept pending, be included in subsequent Repealing and Amending Bills.

4. The presentation made by the Legislative Department on the Bill reflects that the practice of carrying out this whole exercise is actually a requirement as per clause 6A of the General Clauses Act. Further, the repealing of Ninety (90) Amendment Acts does not affect the continuance in force of the amendments which have already become part of the principal Acts. The 90 Amending Acts, though are dead and have no legal significance, are continuing and congesting the statute books till they are actually repealed. Therefore, it is felt that the statute book is littered with amendment acts which no longer serve any useful purpose. In view of the above, the Committee recommends repeal of Ninety (90) Amendment Acts proposed in the Bill.

5. The Committee being satisfied with the reasoning given by the Chairman, Railway Board that the amendment proposed in The Railways (Amendment) Act, 2008 is to rectify the mistake that had inadvertently crept at the time of enactment of the Act and recommends that The Railways (Amendment) Act, 2008 may be amended to the extent proposed in the Bill.

6. The Committee being satisfied with the reasoning advanced by the Secretary, Ministry of Shipping that the amendment proposed in the Indian Maritime University Act, 2008, is to replace the word 'hereunder' with 'thereunder' is minor in nature and seeks to remove a patent error and recommends that the Amendment in the Indian Maritime University Act, 2008 may be carried out as proposed in the Bill.

Enacting Formula and Clause 1

7. Amendments made in the enacting Formula and Clause 1 of the Bill is of formal nature, necessitated due to passage of time.

8. The Committee recommends that the Bill, as reported by it, be passed. The Government may also take further measures, as recommended by it in this Report.

9. The Committee recommends that in addition to proposed repeal of the Ninety Amendments Acts in Schedule-I and Two Amendments in Schedule-II of the Bill, the other recommendations given by the Select Committee should also be given due impetus to achieve the objective with which the Bill was introduced.

Annexure-I

1.09 P.M.

(ii) The Repealing and Amending Bill, 2014 as passed by Lok Sabha.

Shri D.V. Sadananda Gowda, Minister of Law and Justice, moved the following motion:—

"That the Bill to repeal certain enactments and to amend certain other enactments, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of the following Members:—

1. Shri Bhupender Yadav
2. Shri Avinash Rai Khanna
3. Shri Rangasayee Ramakrishna
4. Shri Digvijaya Singh
5. Shri Shantaram Naik
6. Shri Alok Tiwari
7. Shri Satish Chandra Misra
8. Shri K.C. Tyagi
9. Shri A. Navaneethakrishnan
10. Shri K.N. Balagopal
11. Shri Bhupinder Singh
12. Shrimati Gundu Sudharani
13. Shri Rajeev Chandrasekhar
14. Shri Sukhendu Sekhar Roy
15. Shri Anil Desai

with instructions to report to the Rajya Sabha by the last day of the first week of the next Session".

The motion was adopted.

4.12 P.M.

Annexure-II

STATEMENT REGARDING REPEALING AND AMENDING (SECOND) BILL, 2014

Sl. No.	Act No. & year	Name of the Act	Extent of repeal	Name of the Administrative Ministry	Date of coming into force. *(On the date of coming into force the Amendment Act merged with the principal Act).	Comments/Views of Administrative Ministry/ Department for repeal of Act administered by them	Purpose of the Act The purpose is precisely given in the Statement of Objects and Reasons attached with the respective Bill when introduced in Parliament.
1	2	3	4	5	6	7	8
1.	1 of 1999	The Export-Import Bank of India (Amendment) Act, 1998	The Whole.	Department of Financial Services	17/2/2000	Agreed for repeal.	To amend section 4 of the Act to enhance the authorised capital of Exim Bank to one thousand crores.
2.	7 of 1999	The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 1998	The whole.	Department of Justice	section 4, 6 & 11, w.e.f. 1.1.1996 and remaining w.e.f. 8.1.1999	No objection for repeal.	Further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 to revise the salaries and pensions of Judges of Supreme Court and High Courts.
3.	16 of 1999	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1999	The whole.	Ministry of Parliamentary Affairs	18/3/1999	Has been incorporated in the principal Act.	Further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954 to provide for increasing the salary and other facilities of members of Parliament.
4.	1 of 2000	The Recovery of Debts Due to Banks and Financial Institutions (Amendment) Act, 2000	The whole.	Department of Financial Services	17/1/2000	Agreed for repeal.	Further to amend the Recovery of Debts Due to Banks and Financial Institutions Act, 2000 so as to provide among others the powers of Chairperson of Appellate Tribunal and procedure for making.
5.	7 of 2000	The Small Industries Development Bank of India (Amendment) Act, 2000	The whole.	Department of Financial Services	27/3/2000	Agreed for repeal.	To amend the Small Industries Development Bank of India Act, 1989, <i>inter alia</i> , to provide for authorised capital, conversion of equity shares, transfer of capital, restriction on exercising of voting rights, etc.
6.	12 of 2000	The Food Corporation (Amendment) Act, 2000	The whole.	Department of Food & Public Distribution.	2/6/2000	No objection for repeal.	Further to amend the Food Corporations Act, 1964 to provide for accounts and audit.
7.	15 of 2000	The National Housing Bank (Amendment) Act, 2000	The whole.	Department of Financial Services	12.6.2000	Agreed to repeal.	Further to amend the National Housing Bank Act, 1987, <i>inter alia</i> , to provide for paid-up capital of the Bank, assistance to borrower, amount of security to be held in trust, recovery of dues, reserve fund, etc.
8.	17 of 2000	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2000	The whole.	Ministry of Parliamentary Affairs	7/6/2000	Has been incorporated in the principal Act.	Further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954 to provide for increasing the salary and other facilities of members of Parliament.
9.	18 of 2000	The Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Amendment Act, 2000	The whole.	Ministry of Parliamentary Affairs	7/6/2000	Has been incorporated in the principal Act.	Further to amend the Leaders and Chief Whips of Recognised Parties and Groups in Parliament (Facilities) Act, 1998, <i>inter alia</i> , to provide for recognised group, the facilities to leaders and Chief Whips of recognised parties and groups in Parliament, etc.

1	2	3	4	5	6	7	8
10.	22 of 2000	The Major Port Trusts (Amendment) Act, 2000	The whole.	Ministry of Shipping	01/9/2000	Concurred for repeal.	Further to amend the Major Port Trusts Act, 1963 so as to make provisions for infrastructure facilities for ports.
11.	23 of 2000	The Insecticides (Amendment) Act, 2000	The whole.	Department of Agriculture and Cooperation	5/8/2000	Concurred in the proposal to repeal the Act.	Further to amend the Insecticides Act, 1968, <i>inter alia</i> , to provide for Special Courts.
12.	35 of 2000	The Border Security Force (Amendment) Act, 2000	The whole.	Ministry of Home Affairs	1/9/2000	Can be repealed.	Further to amend the Border Security Force Act, 1968 to make provisions for period of custody undergone by a person to be set-off against the imprisonment.
13.	39 of 2000	The State Financial Corporations (Amendment) Act, 2000	The whole.	Department of Financial Services	5/9/2000	Agreed for repeal.	Further to amend the State Financial Corporations Act, 1951, <i>inter alia</i> , to provide for issue of redeemable preference shares, conversion of shares guaranteed by State Governments, deposits with financial corporation, etc.
14.	44 of 2000	The Multimodal Transportation of Goods (Amendment) Act, 2000	The whole.	Ministry of Shipping	5/12/2000	Concurred for repeal.	Further to amend the Multimodal Transportation of Goods Act, 1993, <i>inter alia</i> , to make provisions relating to carrier, goods, multimodal transportation, multimodal transportation contract, etc.
15.	55 of 2000	The National Bank for Agriculture and Rural Development (Amendment) Act, 2000	The whole.	Department of Financial Services	1/2/2001	Agreed for repeal.	Further to amend the National Bank for Agriculture and Rural Development Act, 1981 to provide for Board of Directors of the National Bank, barrowing in foreign currency, purchase and sale of shares, loans to State Government undertakings, etc.
16.	10 of 2001	The Chit Funds (Amendment) Act, 2001	The whole.	Department of Financial Services	1/10/2001	Agreed for repeal.	To amend the Chit Funds Act, 1982 to amend section 6, 13 and 20 of the said Act so as to increase the amount of discount, aggregate amount of chits and security amount.
17.	23 of 2001	The Warehousing Corporations (Amendment) Act, 2001	The whole.	Department of Food & Public Distribution	1/11/2001	No objection for repeal.	Further to amend the Warehousing Corporations Act, 1962, <i>inter alia</i> , to include the foreign companies or its subsidiary companies within the purview of the Act.
18.	27 of 2001	The Food Corporations (Amendment) Act, 2001	The whole.	Department of Food & Public Distribution	25/5/2001	No objection for repeal.	Further to amend the Food Corporations Act, 1964 to amend section 27 of the Act so as to provide for amount borrowed shall not exceed ten times the paid-up capital and the reserve fund established thereunder.
19.	38 of 2001	The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2001	The whole.	Ministry of Home Affairs	10/5/2006	Can be repealed.	Further to amend the Government of Union Territories Act, 1963 and the Government of National Capital Territory of Delhi Act, 1991, <i>inter alia</i> , to provide for public account of the Union territory, borrowing upon security of the CFU and the CFC.
20.	40 of 2001	The Inland Waterways Authority of India (Amendment) Act, 2001	The whole.	Ministry of Shipping	1/7/2003	Concurred for repeal.	Further to amend the Inland Waterways Authority of India Act, 1985, <i>inter alia</i> , to provide for change in composition of the authority, disqualifications, meetings and borrowing powers of the authority.

1	2	3	4	5	6	7	8
21.	46 of 2001	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2001	The whole.	Ministry of Parliamentary Affairs	14/9/2001	Has been incorporated in the principal Act.	Further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954 to provide for increasing the Salary and other facilities of members of Parliament.
22.	54 of 2001	The Explosive Substance (Amendment) Act, 2001	The whole.	Ministry of Home Affairs	1/2/2002	Can be repealed.	Further to amend the Explosive Substance Act, 1908, <i>inter alia</i> , to provide for definition of explosive substances, punishment for causing and attempting to cause explosion, etc.
23.	14 of 2002	The Inter-State Water Disputes (Amendment) Act, 2002	The whole.	Ministry of Water Resources, River Development and Ganga Rejuvenation	6/8/2002	No comments.	Further to amend the Inter-State Water Disputes (Amendment) Act, 1956 to amend the procedure to be followed in case of disputes before the Tribunal, maintenance of data bank and information, etc.
24.	29 of 2002	The Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Amendment) Act, 2002	The whole.	Ministry of Parliamentary Affairs	17/09/2001	Has been incorporated in the principal Act.	Further to amend the Salaries and Allowances of Officers of Parliament Act, 1953 and the Salaries and Allowances of Leaders of Opposition in Parliament Act, 1977 to provide for increasing the salary and other allowances.
25.	30 of 2002	The Sugar Development Fund (Amendment) Act, 2002	The whole.	Department of Food & Public Distribution	21/06/2002	No objection for repeal.	Further to amend the Sugar Development Fund Act, 1982 to amend section 4 to provide for making loans to sugar factories to improve their viability.
26.	31 of 2002	The Salaries and Allowances of Officers of Parliament (Second Amendment) Act, 2002	The whole.	Ministry of Parliamentary Affairs	3/3/2002	Has been incorporated in the principal Act.	Further to amend the Salaries and Allowances of Officers of Parliament Act, 1953 to provide for family pension, etc. to spouse of Speaker dying in office.
27.	34 of 2002	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2002	The whole.	Ministry of Parliamentary Affairs	14/09/2001	Has been incorporated in the principal Act.	Further to amend the Salaries, Allowances and Pension of Members of Parliament Act, 1954 to provide for increasing the pension.
28.	40 of 2002	The General Insurance Business (Nationalisation) Amendment Act, 2002	The whole.	Department of Financial Services	21/3/2003	Agreed for repeal.	Further to amend the General Insurance Business (Nationalisation) Act, 1972, <i>inter alia</i> , empowering the Central Government to increase or reduce the authorised capital or subscribed capital by notification, transfer to Central Government of shares vested in corporation.
29.	42 of 2002	The Insurance (Amendment) Act, 2002	The whole.	Department of Financial Services	23/9/2002	Agreed for repeal.	Further to amend the Insurance Act, 1938 to provide for Insurance Co-operative Society, Commission, brokerage or fee payable to intermediary or insurance intermediary and omission of certain Schedules therein.
30.	51 of 2002	The Homeopathy Central Council (Amendment) Act, 2002	The whole.	Department of Ayurveda, Yoga & Naturopathy Unani, Siddha and Homoeopathy (AYUSH)	28/1/2003	—	Further to amend the Homeopathy Central Council Act, 1973, <i>inter alia</i> , to provide for permission for establishment new medical institution, course of study, non-recognition of qualifications and provisional registration for practice.

1	2	3	4	5	6	7	8
31.	52 of 2002	The Indian Medicine Central Council (Amendment) Act, 2002	The whole.	Ministry of Health and Family Welfare.	28/1/2003	—	Further to amend the Indian Medicine Central Council Act, 1970, <i>inter alia</i> , to provide for permission for establishment new medical institution, course of study, non-recognition of qualifications and provisional registration for practice.
32.	55 of 2002	The Negotiable Instruments (Amendment and Miscellaneous Provisions) Act, 2002	The whole.	Department of Financial Services	6/2/2003	Agreed for repeal.	Further to amend the Negotiable Instruments Act, 1881, the Bankers' Books Evidence Act, 1891 and the Information Technology, Act, 2000, <i>inter alia</i> , to define cheque, a cheque in the electronic form, a truncated cheque, procedure to be followed by courts and its application and consequential amendments related thereto.
33.	56 of 2002	The Salaries and Allowances of Officers of Parliament and Leaders of Opposition in Parliament (Second Amendment) Act, 2002	The whole.	Ministry of Parliamentary Affairs	17/9/2001	Has been incorporated in the principal Act.	Further to amend the Salaries and Allowances of Officers of Parliament Act, 1953 and the Salaries and Allowances of Leaders of Opposition in Parliament Act, 1977 to provide for increasing the salary and other allowances.
34.	62 of 2002	The Consumer Protection (Amendment) Act, 2002	The whole.	Department of Consumer Affairs	15/3/2003	Supports the proposal for repeal.	Further to amend the Consumer Protection Act, 1986, <i>inter alia</i> , to provide for District Consumer Protection Councils, their objects, procedure for making complaints and on admission of such complaints, Circuit Benches, enforcement of orders of District Forum, State Commission or National Commission, etc.
35.	7 of 2003	The High Court Judges (Salaries and Conditions of Service) Amendment Act, 2002	The whole.	Department of Justice	1/01/1996	No objection for repeal.	Further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 to provide for increase in family pension.
36.	8 of 2003	The Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2002	The whole.	Department of Justice	1/01/1996	No objection for repeal.	Further to amend the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 to provide for increase in family pension.
37.	10 of 2003	The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002	The whole.	Ministry of Tribal Affairs	7/01/2003	—	Further to amend the Scheduled Castes Order, 1950 and the Scheduled Tribes Order, 1950 and other Scheduled Tribes Orders defined therein so as to include certain Scheduled Castes and Scheduled Tribes of various States in the said Orders.
38.	11 of 2003	The Companies (Second Amendment) Act, 2002	The whole.	Ministry of Corporate Affairs	1/04/2003	—	Further to amend the Companies Act, 1956, <i>inter alia</i> , to provide for provisions relating to Appellate Tribunal, industrial company, industrial undertaking, network, operating agency, sick industrial company, State level institutions and Tribunal.
39.	35 of 2003	The Delhi High Court (Amendment) Act, 2003	The whole.	Department of Justice	16/07/2003	No objection for repeal.	Further to amend the Delhi High Court Act, 1966 to amend certain provisions of the Punjab Act, 1918

1	2	3	4	5	6	7	8
							(VI of 1918) as in force in the NCT of Delhi and to empower the Chief Justice to transfer pending suits and proceedings to subordinate courts.
40.	37 of 2003	The Essential Commodities (Amendment) Act, 2003	The whole.	Department of Consumer Affairs	14/06/1999	Supports the proposal for repeal.	Further to amend the Essential Commodities Act, 1955 so as to amend section 3 of the Act empowering the Central Government to issue directions to regulate importer or exporter from selling, disposing, delivering or removing of sugar from the godowns specified therein.
41.	44 of 2003	The Sixth Schedule to the Constitution (Amendment) Act, 2003	The whole.	Ministry of Home Affairs	7/09/2003	Can be repealed.	Further to amend the Sixth Schedule to the Constitution of India in its application to the Bodoland Territorial Areas District and the Bodoland Territorial Council State of Assam.
42.	48 of 2003	The National Bank for Agriculture and Rural Development (Amendment) Act, 2003	The whole.	Department of Financial Services	19/09/2003	Agreed for repeal.	Further to amend the National Bank for Agriculture and Rural Development Act, 1981, <i>inter alia</i> , to provide conversion loan for production credit.
43.	51 of 2003	The Railways (Second Amendment) Act, 2003	The whole.	Ministry of Railway	1/07/2004	—	Further to amend the Railways Act, 1989, <i>inter alia</i> , to make provisions for arrest for offences under certain sections, enquiry by officer authorised to ascertain commission of offence, powers of the officer, disposal of persons arrested, search and seizure, etc.
44.	58 of 2003	The Indian Medicine Central Council (Amendment) Act, 2003	The whole.	Ministry of Health & Family Welfare	7/10/2003	—	Further to amend the Indian Medicine Central Council Act, 1970, <i>inter alia</i> , to provide for permission for establishment new medical institution, course of study, non-recognition of qualifications and time for seeking permission certain existing medical colleges for commencement.
45.	59 of 2003	The Merchant Shipping (Amendment) Act, 2003	The whole.	Ministry of Shipping	1/03/2004	Concurred for repeal.	Further to amend the Merchant Shipping Act, 1958 to make provisions so as to give effect to the International Convention for the Prevention of Pollution from Ships, 1973 including its Protocol of 1978.
46.	4 of 2004	The Prevention of Terrorism (Amendment) Act, 2003	The whole.	Ministry of Home Affairs	27/10/2003	Can be repealed.	To amend the Prevention of Terrorism Act, 2002 to provide for constitution of any Review Committee of review whether there is a <i>prima facie</i> case for proceeding against the accused under the Act.
47.	6 of 2004	The Citizenship (Amendment) Act, 2003	The whole.	Ministry of Home Affairs	3/12/2004	Can be repealed.	Further to amend the Citizenship Act, 1955, <i>inter alia</i> to define illegal migrant, overseas citizen of India, specified country, etc., and to provide for citizenship by birth, registration of overseas citizens, conferment of rights on them, renunciation of overseas citizenship, cancellation of regrant of overseas citizenship, issuance of national identity cards and procedure for review of any order of the Central Government.
48.	9 of 2004	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003	The whole.	Ministry of Parliamentary Affairs	9/01/2004	Has been incorporated in the principal Act.	Further to amend the Salaries, Allowances and Pension of Members of Parliament Act, 1954, <i>inter alia</i> , to provide for increase in pension, allowances travel facilities for ex-members and rounding of period of pension.

1	2	3	4	5	6	7	8
49.	16 of 2004	The Foreigners (Amendment) Act 2004	The whole.	Ministry of Home Affairs	20/02/2004	Can be repeal.	Further to amend the Foreigners Act, 1946 to make provisions for penalty for contravention of the provisions of the Act, entry in restricted areas, using forged passport and for abetment.
50.	24 of 2004	The Banking Regulation (Amendment) and Miscellaneous Provisions Act, 1004	The whole	Department of Financial Services	24/09/2004	Agreed for repeal.	Further to amend the Banking Regulation Act, 1949 and the Deposit Insurance and Credit Guarantee Corporation Act, 1961, <i>inter alia</i> , to make provisions for validation of licences granted by Reserve Bank by multi-State co-operative societies, supersession of Board of Directors of such societies and order of winding-up of multi-State co-operative Banks and consequential amendments in the Deposit Insurance and Credit Guarantee Corporation Act, 1961.
51.	30 of 2004	The Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Act, 2004	The whole.	Department of Financial Services	11/11/2004	Agreed for repeal.	Further to amend the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and further to amend the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 and the Companies Act, 1956, <i>inter alia</i> , to make provisions for transfer of pending applications to any of the debts recovery tribunals, power of RBI to call for statements and information, making of application to District court and right of borrower to receive compensation and costs in certain cases.
52.	19 of 2005	The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2005	The whole.	Ministry of Home Affairs	21/05/2005	Can be repealed.	Further to amend the Government of Union Territories Act, 1963 and to amend the Government of National Capital Territory of Delhi Act, 1991 so as to amend the relevant provisions of the said Acts in pursuance of latest census figures.
53.	32 of 2005	The Citizenship (Amendment) Act, 2005	The whole.	Ministry of Home Affairs	28/06/2005	Can be repealed.	Further to amend the Citizenship Act, 1955 to make provisions for registration of overseas citizens of India.
54.	40 of 2005	The Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum (Amendment) Act, 2005	The whole.	Department of Science & Technology	5/09/2005	Can be considered for repeal.	To amend th Sree Chitra Tirunal Institute for Medical Sciences and Technology, Trivandrum Act, 1980 so as to provide for cessation of the term of office of a member on becoming Speaker or Deputy Speaker of Lok Sabha or Deputy Chairman of the Rajya Sabha or a Minister in addition to the existing provision.
55.	45 of 2005	The Warehousing Corporations (Amendment) Act, 2005	The whole.	Department of Food & Public Distribution	15/11/2005	No objection for repeal.	Further to amend the Warehousing Corporations Act, 1962 to provide for change in composition of the Corporation, omit entries relating to Vice-chairman and to provide for scheduled bank in the place of nationalised bank.
56.	46 of 2005	The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2005	The whole.	Department of Justice	1/04/2004	No objection for repeal.	Further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 to revise the salaries and pensions of Judges of Supreme Court and High Courts.

1	2	3	4	5	6	7	8
57.	2 of 2006	The Criminal Law (Amendment) Act, 2005	The whole.	Ministry of Home Affairs.	16/04/2006 (Except section 4,) & section 4, wef 5/07/2006	Can be repealed.	Further to amend the Indian Penal Code, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872 to make provisions and provide a Chapter for Please Bargaining.
58.	5 of 2006	The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2006	The whole.	Ministry of Home Affairs	Section 2 wef 31/3/2005 & Section 3 wef 2/03/2006.	Can be repealed	Further to amend the Government of Union Territories Act, 1963 and the Government of National Capital Territory of Delhi Act, 1991 to make special provisions for re-adjustment of territorial constituencies on the basis of 2001 census.
59.	6 of 2006	The Contempt of Courts (Amendment) Act, 2006	The whole.	Department of Justice	17/3/2006	No objection for repeal.	Further to amend the Contempt of Courts Act, 1971 to substitute section 13 so as to make provision for contempt not punishable in certain cases.
60.	26 of 2006	The Reserve Bank of India (Amendment) Act, 2006	The whole.	Department of Financial Services	9/1/2007 (except section 3) & Section 3, wef 1/4/2007	Agreed for repeal.	Further to amend the Reserve Bank of India Act, 1934 to insert a new Chapter relating to regulation of transaction in derivatives, money marketing instruments, securities, etc., and to make other consequential amendments relating thereto.
61.	40 of 2006	The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2006	The whole.	Ministry of Parliamentary Affairs	15/9/2006 for sec. 3, 4, 6, 7, 8, 9 and remaining section wef 12/9/2006	Has been. incorporated in the principal Act.	Further to amend the Salaries, Allowances and Pension of Members of Parliament Act, 1954, <i>inter alia</i> , to provide for increase in pension, allowances, travel facilities and family pension.
62.	45 of 2006	The Banking Companies (Acquisition and Transfer of Undertakings and Financial Institutions Laws (Amendment) Act, 2006	The whole.	Department of Financial Services	16/10/2006	Agreed for repeal.	Further to amend the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Banking Companies Acquisition and Transfer of Undertakings) Act, 1980, the State Bank of India Act, 1955, the State Bank of India (Subsidiary Banks) Act, 1959, the Deposit Insurance and Credit Guarantee Corporation Act, 1961, the Export-Import Bank of India Act, 1981 and the National Housing Bank Act, 1987, <i>inter alia</i> , to make provisions for power of RBI to appoint additional Directors in the Board of Directors, transfer of unpaid or unclaimed dividend to Dividend Account and supersession of the Board in certain cases.
63.	54 of 2006	The Essential Commodities (Amendment) Act, 2006	Sections 2 to 5.	Department of Consumer Affairs.	12/2/2007	Supports the proposal for repeal.	Further to amend the Essential Commodities Act, 1955 to make provisions for essential commodities declaration, etc., by insertion of new section 2A.
64.	17 of 2007	The Banking Regulation (Amendment) Act, 2007	The whole.	Department of Financial Services	23/1/2007	Agreed for repeal.	Further to amend the Banking Regulation Act, 1949, <i>inter alia</i> , to provide for cash reserve to be maintained by a scheduled Bank and other consequential amendments relating thereto.
65.	18 of 2007	The National Tax Tribunal (Amendment) Act, 2007	The whole.	Department of Legal Affairs	29/1/2007	No objection for repeal.	To amend the National Tax Tribunal Act, 2005, <i>inter alia</i> , to provide that no member shall be transferred without concurrence of the Chairperson.

1	2	3	4	5	6	7	8
66.	30 of 2007	The State Bank of India Subsidiary Banks Laws (Amendment) Act, 2007	The whole.	Department of Financial Services	9/7/2007	Agreed for repeal.	Further to amend the State Bank of Saurashtra Act, 1959, the State Bank of Hyderabad Act, 1956 and the State Bank of India (Subsidiary Banks) Act, 1959 to make provisions for authorized capital of the bank, right of registered share holder to nominate, restriction on voting rights, fit and proper status of an elected director, power of RBI to appoint additional Directors in the Board of Directors, transfer of unpaid or unclaimed dividend to Dividend Account and supersession of the Board in certain cases.
67.	32 of 2007	The State Bank of India (Amendment) Act, 2007	The whole.	Department of Financial Services	29/6/2007	Agreed for repeal.	Further to amend the State Bank of India Act, 1955, to make consequential amendments by substituting the words "Reserve Bank" with the words "Central Government".
68.	35 of 2007	The Inland Vessels (Amendment) Act, 2007	The whole.	Ministry of Shipping	21/2/2008	Concurred for repeal.	Further to amend the Inland Vessels Act, 1917, <i>inter alia</i> , to make provisions effect of certificates of competency of service and licences, application of provisions of M V Act, 1988 in relation to mechanically propelled vessels and insertion of a new Chapter relating to prevention and control of pollution and protection of inland water.
69.	40 of 2007	The Merchant Shipping (Amendment) Act, 2007	The whole.	Ministry of Shipping	1/3/2008	Concurred for repeal.	Further to amend the Merchant Shipping Act, 1958 to make provision regarding prohibition of engagement of seafarer without seafarer's identity document and insertion of a new Part IXB relating to security of ships and port facilities to make the provisions of the Act to be in consonance with the International Ship and Port Facility Security Code.
70.	4 of 2008	The Sugar Development Fund (Amendment) Act, 2008	The whole.	Department of Food & Public Distribution.	5/02/2008	No objection for repeal.	Further to amend the Sugar Development Fund Act, 1982 and the Sugar Cess Act, 1982 to provide for defraying expenditure for the purpose of financial assistance to sugar factories towards interest on loans and to increase the sugar cess.
71.	30 of 2008	The Salaries and Allowances of Officers of Parliament (Amendment) Act, 2008	The whole.	Ministry of Parliamentary Affairs	30/12/2008	Has been incorporated in the principal Act.	Further to amend the Salaries and Allowances of Officers of Parliament Act, 1953 to provide for revision in salaries.
72.	5 of 2009	The Code of Criminal Procedure (Amendment) Act, 2008	The whole.	Ministry of Home Affairs	30/12/2009 & 30/10/2010	Can be repealed.	Further to amend the Code of Criminal Procedure, 1973, <i>inter alia</i> , to make provision for victims and his right to engage advocate, notice of appearance before police, procedure of arrest and duties of officers making arrest, control room at districts, medical examination, health and safety, etc.
73.	11 of 2009	The Supreme Court (Number of Judges) Amendment Act, 2008	The whole.	Department of Justice	5/02/2009	No objection for repeal.	Further to amend the Supreme Court (Number of Judges) Act, 1956 to increase the number Judges from 25 to 30.
74.	20 of 2009	The Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009	The Whole.	Department of Commerce	13/10/2008	No objection for repeal.	To amend the Agricultural and Processed Food Products Export Development Authority Act, 1985, <i>inter alia</i> , to make provision for special products and their inclusion

1	2	3	4	5	6	7	8
							in the Schedules, empowering the Central Government to amend Schedules and functions of Central Government in respect of special products.
75.	23 of 2009	The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009	The whole.	Department of Justice	Section 2, 3, 4, 7, 8, 9, 10, and 13 w.e.f. 1/01/2006 and remaining w.e.f. 1/09/2008	No objection for repeal.	Further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 so as to provide additional quantum of pension or family pension for Supreme Court and High Court Judges and other consequential amendments relating thereto.
76.	48 of 2009	The State Bank of Saurashtra (Repeal) and the State Bank of India (Subsidiary Banks) Amendment Act, 2009	Section 3 to 11.	Department of Financial Services	1/6/2010	Agreed for repeal.	To repeal the State Bank of Saurashtra Act, 1950 and further to amend the State Bank of India (Subsidiary Banks) Act, 1959 by making consequential amendments so as to omit or substitute the entries relating to Saurashtra Bank.
77.	27 of 2010	The State Bank of India (Amendment) Act, 2010	The whole.	Department of Financial Services	15/9/2010	Agreed for repeal.	Further to amend the State Bank of India Act, 1955, <i>inter alia</i> , to provide authorised capital, right of registered share holders to nominate, qualifications for election of Directors elected by share holders, power of RBI to appoint additional Directors in the Board of Directors, transfer of unpaid or unclaimed dividend to Dividend Account and supersession of the Central Board in certain cases, Balance Sheet, etc. of SBI to be discussed at general meeting.
78.	37 of 2010	The Salary, allowances and Pension of Members of Parliament (Amendment) Act, 2010	The whole.	Ministry of Parliamentary Affairs	1/10/2010	Has been incorporated in the principal Act.	Further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954 to revise the salaries, pension and allowances.
79.	41 of 2010	The Code of Criminal Procedure (Amendment) Act, 2010	The whole.	Ministry of Home Affairs	2/11/2010 & 30/10/2010	Can be repealed.	Further to amend and Code of Criminal Procedure, 1973 to make provisions for reasons to be recorded by police officer in case of not arresting a person and to arrest such person in case of non-compliance of the terms of notice.
80.	43 of 2010	The Indian Medicine Central Council (Amendment) Act, 2010	The whole.	Ministry of Health & Family Welfare	1/1/2012	—	Further to amend the Indian Medicine Central Council Act, 1970 so as to make provisions for Sowa-Rigpa system of Indian medicine with other consequential amendments relating thereto.
81.	7 of 2011	The State Bank of India (Subsidiary Banks) Amendment Act, 2011	The whole.	Department of Financial Services	1/6/2011	Agreed for repeal.	Further to amend the State Bank of India (Subsidiary Banks) Act, 1959 so as to omit the references relating to State Bank of Indore.
82.	17 of 2011	The State Bank of India (Subsidiary Banks Laws) Amendment Act, 2011	The whole.	Department of Financial Services	01/12/2011	Agreed for repeal.	Further to amend the State Bank of Hyderabad Act, 1956 and the State Bank of India (Subsidiary Banks) Act, 1959 so as to substitute the empower the Central Government to give approvals in consultation with the RBI and to make provisions for subsidiary banks to make regulations.

1	2	3	4	5	6	7	8
83.	5 of 2012	The New Delhi Municipal Council (Amendment) Act, 2011	The whole.	Ministry of Home Affairs	1/3/2012	Can be repealed.	Further to amend the New Delhi Municipal Council Act, 1994 to substitute the relevant provisions of the Act to make modifications in the composition of the Council and its meetings.
84.	8 of 2012	The Life Insurance Corporation (Amendment) Act, 2011	The whole.	Department of Financial Services	31/3/2012	Agreed for repeal.	Further to amend the Life Insurance Corporation Act, 1956, <i>inter alia</i> , to make provisions for capital of the Corporation, surpluses how to be used, etc.
85.	11 of 2012	The Export-Import Bank of India (Amendment) Act, 2011	The whole.	Department of Financial Services	1/2/2012	Agreed for repeal.	Further to amend the Export-Import Bank of India Act, 1981 so as to increase the authorised capital of Bank to Rs. 10000 crores and to empower the Central Government to increase the said capital by issuance of notification.
86.	26 of 2012	The North-Eastern Areas (Reorganisation) and Other Related Laws (Amendment) Act, 2012	The whole.	Ministry of Home Affairs	23/3/2013	Can be repealed.	Further to amend the North-Eastern Areas (Reorganisation) Act, 1971, the Advocates Act, 1961, the State of Mizoram Act, 1986 and the State of Arunachal Pradesh Act, 1986 to make provisions for establishment of separate High Courts at Meghalaya, Manipur and Tripura, transfer of proceedings from common High Court to the respective High Courts and other consequential amendments relating to advocates, bar councils, etc.
87.	36 of 2012	The Chemical Weapons Convention (Amendment) Act, 2012	The whole.	Department of Chemicals and Fertilizers	23/11/2012	No objection for repeal.	To amend the Chemical Weapons Convention Act, 2000, <i>inter alia</i> , to make provisions for restriction on transfer of toxic chemical or precursor listed in Schedule II of the Act and other consequential amendments relating thereto.
88.	1 of 2013	The Enforcement of Security Interest and Recovery of Debts Laws (Amendment) Act, 2012	The whole.	Department of Financial Services	10/1/2013	Agreed for repeal.	Further to amend the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 to include the multi-State co-operative banks within the purview of the said Acts and to make provisions for right to lodge a caveat, rectification by Central Government in matters of registration, modification and satisfaction, etc., cognizance of offences, power to exempt a class of classes of banks or financial institutions.
89.	4 of 2013	The Banking Laws (Amendment) Act, 2012	The whole.	Department of Financial Services	18/1/2013	Agreed for repeal.	Further to amend the Banking Laws (Amendment) Act, 2012 (the "Act") amends the Banking Regulation Act, 1949, the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 and also makes consequential amendments to certain other enactments including the Indian Stamp Act, 1899 and the Indian

1	2	3	4	5	6	7	8
							Contract Act, 1972, <i>inter alia</i> , to provide for regulation of approved securities, acquisition of shares or voting rights, establishment of Depositor Education and Awareness Fund and supersession of Board of Directors in certain cases.
90.	27 of 2013	The Wakf (Amendment) Act, 2013	The whole.	Ministry of Minority Affairs	01/11/2013	No objection for repeal.	To amend the Wakf Act, 1995 so as to substitute the words “wakf”, “wakfs” and “wakif” with the words “waqf”, “auqaf” and “waqif”; to define encroacher, list of auqaf, wqf, etc.; and, <i>inter alia</i> , to make provisions for bearing of survey costs by the State Government; reference to Board of Adjudication in case of difference between Council and Board; removal of Chairperson of a Board by vote of no-confidence; power of District, Additional District or Sub-Divisional Magistrates to implement directions of the Board; disposal of property left on waqf property by unauthorized occupants; prohibition of sale, gift, exchange, mortgage or transfer of waqf property; and restoration of waqf properties in occupation of Government agencies.

REPEALING AND AMENDING ACTS SINCE 1950

Sl. No.	Short Title	Act No.	Number of Acts repealed
1.	The Repealing and Amending Act, 1950	35 of 1950	72
2.	The Repealing and Amending Act, 1952	48 of 1952	72
3.	The Repealing and Amending Act, 1953	42 of 1953	31
4.	The Repealing and Amending Act, 1957	36 of 1957	160
5.	The Repealing and Amending Act, 1960	58 of 1960	151
6.	The Repealing and Amending Act, 1964	52 of 1964	73
7.	The Repealing and Amending Act, 1974	56 of 1974	193
8.	The Repealing and Amending Act, 1978	38 of 1978	112
9.	The Repealing and Amending Act, 1988	19 of 1988	196
10.	The Repealing and Amending Act, 2001	30 of 2001	307
Total			1367

PARLIAMENT OF INDIA
RAJYA SABHA SECRETARIAT
MINUTES OF THE MEETING OF THE
SELECT COMMITTEE ON
"THE REPEALING AND AMENDING BILL, 2014"

I

FIRST MEETING

The Committee met at 3.00 p.m. on Friday, the 9th January, 2015 in Room No 62, First Floor, Parliament House, New Delhi.

MEMBERS PRESENT

- | | | |
|--------------------------------|---|-----------------|
| 1. Shri Bhupender Yadav | — | <i>Chairman</i> |
| 2. Shri Avinash Rai Khanna | | |
| 3. Shri Rangasayee Ramakrishna | | |
| 4. Shri Alok Tiwari | | |
| 5. Shri Satish Chandra Misra | | |
| 6. Shri K.C. Tyagi | | |
| 7. Shri K.N. Balagopal | | |
| 8. Shri Bhupinder Singh | | |
| 9. Shrimati Gundu Sudharani | | |
| 10. Shri Rajeev Chandrasekhar | | |
| 11. Shri Anil Desai | | |

SECRETARIAT

1. Shri A.K. Singh, *Joint Secretary*
2. Shri Vimal Kumar, *Director*
3. Shri Sameer Suryapani, *Joint Director*
4. Shri Deepak Kalra, *Assistant Director*

WITNESSES

Ministry of Law & Justice (Legislative Department)

1. Dr. Sanjay Singh, *Secretary*
2. Dr. G.N. Raju, *Addl. Secretary*
3. Shri K.V. Kumar, *Deputy Legislative Counsel*
4. Shri T.S. Muralidharan, *Assistant Legislative Counsel*
5. Shri B.N.S.V.S.K. Bangarraj, *Assistant Legislative Counsel*

2. At the outset, the Chairman welcomed the Members of the Committee and Secretary, Ministry of Law & Justice (Legislative Department) along with his team of officers to the meeting. He then explained the agenda and purpose of the meeting, thereafter, he asked the Secretary, Legislative Department to make a presentation by broadly touching upon the

issues like factors necessitated introduction of "The Repealing and Amending Bill, 2014", repeal of 90 Amendment Acts mentioned in the first schedule, amendments proposed in the Second Schedule, etc. in his presentation.

3. The Secretary, Legislative Department thanked the Chairman and Members of the Select Committee for giving him an opportunity to be heard on the Bill. While making his presentation, Secretary gave a brief overview of the reasons behind introduction of this Bill. He further stated that this was a periodical exercise under taken by the Parliament from time to time and last such exercise was initiated during the year 2001 covering Acts upto and inclusive of the year 1998. In the first schedule, there were 90 Amendment Acts which needed to be repealed as they had become part of the statute books and in the second schedule, the Ministry intended to amend section 2 of the Indian Maritime University Act, 2008 of the Ministry of Shipping and Section 2 of the Railway (Amendment) Act, 2008 to rectify the mistakes that had inadvertently crept in at the time of enactment of the Act and to also to rectify patent errors which were included in the Second Schedule.

4. After hearing the Secretary, the Chairman and the Members being not satisfied with the reasons behind the repeal of the Amendment Acts mentioned in the Repealing and Amending Bill, 2014 unanimously decided to ask him to furnish detailed information in tabular form on the certain points. The Secretary agreed to appear once again before the Committee with all the necessary information and clarifications in the matter.

5. The Verbatim record of the proceedings was kept.

The meeting, then, adjourned at 3.52 p.m.

**PARLIAMENT OF INDIA
RAJYA SABHA SECRETARIAT**

MINUTES OF THE MEETING OF THE
SELECT COMMITTEE ON
"THE REPEALING AND AMENDING BILL, 2014"

II

SECOND MEETING

The Committee met at 11.00 a.m. on Monday, the 2nd February, 2015 in Committee Room "A", Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Bhupender Yadav—*Chairman*
2. Shri Rangasayee Ramakrishna
3. Shri Shantaram Naik
4. Shri Alok Tiwari
5. Shri Satish Chandra Misra
6. Shri K.C. Tyagi
7. Shri Bhupinder Singh
8. Shrimati Gundu Sudharani
9. Shri Rajeev Chandrasekhar
10. Shri Anil Desai

SECRETARIAT

1. Shri A.K. Singh, *Joint Secretary*
2. Shri Vimal Kumar, *Director*
3. Shri Sameer Suryapani, *Joint Director*
4. Shri Deepak Kalra, *Assistant Director*

WITNESSES

I. Ministry of Railways (Railway Board)

1. Shri A.K. Mital, *Chairman*
2. Shri V.K. Gupta, *Member Engineering*
3. Shri Alok Ranjan, *Advisor (Land and Acquisition)*
4. Shri Inder Kumar, *Legal Advisor*

II. Ministry of Shipping

1. Shri Rajive Kumar, *Secretary*
2. Shri Barun Mitra, *Joint Secretary*
3. Shri K. Ashok Vardhan Shetty, *Vice-Chancellor, Indian Maritime University.*
4. Shri Ashwani Kumar, *Director (Parliament)*
5. Shri Sanjay Mittal, *Under Secretary (Maritime)*

III. Ministry of Law and Justice (Legislative Department)

1. Dr. Sanjay Singh, *Secretary*
2. Dr. G. Narayana Raju, *Additional Secretary*
3. Shri K.V. Kumar, *Deputy Legislative Counsel*
4. Shri T.S. Muralidharan, *Assistant Legislative Counsel*
5. Shri B.N.S. V.S.K. Bangarraju, *Assistant Legislative Counsel*

2. At the outset, the Chairman welcomed the Members of the Committee and Chairman/ Secretaries, Railway Board, (Ministry of Railways), Shipping and Law & Justice (Legislative Department) to the meeting. He then explained the agenda and purpose of the meeting. Thereafter, he asked the Chairman, Railway Board and the Secretary, Ministry of Shipping to make their presentation on the amendment proposed in Section 2 of the Railways (Amendment) Act, 2008 and Section 2 of The Indian Maritime University Act, 2008 respectively. The Chairman asked the Secretary, Legislative Department to submit his clarifications on the points raised during the last meeting and, if required, to supplement the views expressed by the Chairman, Railway Board and Secretary, Ministry of Shipping.

3. The Chairman, Railway Board Submitted before the Committee that an amendment proposed under Section 2 of the Railways (Amendment) Act, 2008 was a grammatical error in the definition clause giving the impression that Section 2 only was a Principal Act. Therefore, the need to substitute the words "In section 2 of The Railways Act, 1988 (hereinafter referred to as the Principal Act)" by "The Railways Act, 1988 (hereinafter referred to as the Principal Act) in Section 2" has arisen so that the contextual meaning as desired by the legislature may be correctly conveyed without changing the basic structure of any Section of the Act.

4. Thereafter, the Secretary, Ministry of Shipping deposed before the Committee that through the amendment proposed, the Ministry sought to remove a patent error in Section 2 which gave an impression that the Statute of The Indian Maritime University Act, 2008 were to be made under this section, whereas the provision for the same had been provided in Section 28 of the said Act. Hence, it was proposed by the Ministry to amend Section 2 by substituting the line "In this Act, and in all statutes made hereunder, unless the context otherwise requires" by the words "In this Act, in all the Statutes made thereunder, unless the context otherwise requires."

5. Members of the Committee, then, sought clarifications from the Secretary, Legislative Department on issues raised during the last meeting, reasons for clubbing the amending and repealing exercise, whether such amendments in normal course be brought about by the Committee or it was an attempt to get it cleared disguisedly through this Select Committee, an automatic repeal of the Amendment/Appropriation Acts so as to save precious time and energy of the Legislature, uniformity in taking the matter of repealing after a fixed term as different Repealing and Amending Bill had been introduced at different intervals.

6. While explaining further on the issues raised during the 9th Jan., 2015 meeting, Secretary, Legislative Department clarified that clubbing the two exercises had been in practice since British period and the Department was following that practice only. As regards amendment proposed in the Bill, no doubt the mandate lies with the Legislature. Further, the amendment proposed in the Bill was not of substantive nature and limited only to errors/ mistakes crept inadvertently and patent errors. The Ministry had been following this practice for years. The very amendments proposed in the Bill would not in any way change the intention with which any particular Act was enacted/brought in. Moreover, it could not termed as done disguisedly as for reference, a footnote was also placed at the bottom of the Principal Act giving details of any amendments/change being brought in the Act together with year in which amendment was carried out. Attention of the Committee was also drawn towards some of the Supreme Court cases in this regard and also indicated limitation on the part of the Ministry framing repeal clause in the Bill itself as well as unforeseen repercussions that may crop up at later stage.

7. The Chairman, thereafter, pointed out that the reasons behind the repeal of the Amendment Acts mentioned in the Repealing and Amending Bill, 2014, were still missing in the information furnished by the Legislative Department. In the absence of the same, it would not be possible for the Committee to reach to the conclusion and asked the Secretary to furnish the details on these points before the next meeting scheduled for 12th February, 2015.

8. The Verbatim record of the proceedings was kept.

The meeting, then, adjourned at 12.17 p.m.

**PARLIAMENT OF INDIA
RAJYA SABHA SECRETARIAT**

MINUTES OF THE MEETING OF THE
SELECT COMMITTEE ON
"THE REPEALING AND AMENDING BILL, 2014"

III

THIRD MEETING

The Committee met at 2.00 p.m. on Thursday, the 12th February, 2015 in Committee Room No. 139, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Bhupender Yadav—*Chairman*
2. Shri Avinash Rai Khanna
3. Shri Shantaram Naik
4. Shri K.C. Tyagi
5. Shri Anil Desai

SECRETARIAT

1. Shri A.K. Singh, *Joint Secretary*
2. Shri Vimal Kumar, *Director*
3. Shri Sameer Suryapani, *Joint Director*
4. Shri Deepak Kalra, *Assistant, Director*

WITNESSES

Ministry of Law & Justice (Legislative Department)

1. Dr. G.N. Raju, *Additional Secretary*
2. Shri K.V. Kumar, *Deputy Legislative Counsel*
3. Shri T.S. Muralidharan, *Assistant Legislative Counsel*
4. Shri B.N.S.V.S.K. Bangarraju, *Assistant Legislative Counsel*

2. At the outset, the Chairman welcomed the Members of the Committee and Additional Secretary, Ministry of Law & Justice (Legislative Department) and his team of officers to the meeting. He then informed the Members that the Secretary, Legislative Department had sought exemption from personal appearance due to unavoidable circumstances. Thereafter, he explained the agenda and purpose of the meeting. He then asked the Additional Secretary, Legislative Department to submit his clarifications on the points raised during the last meeting held on 2nd February, 2015.

3. The Additional Secretary, Legislative Department explaining the necessity to repeal the Amendment Acts as mentioned in the Bill submitted that the Amending Legislation on being passed by the Legislature automatically becomes part of the Principal Legislation and hence survives in the form of Principal Legislation. But these Amendment Acts even after incorporation in the Principal Act continues to survive in the statute books. Therefore, there was no need to keep the same legislation in two forms *i.e.* the one incorporated into the Principal Act and the second in the form of Amendment Acts.

4. Some clarifications were sought by the Members which were suitably replied to by the representatives of the Ministry. Thereafter, Additional Secretary, Legislative Department made a request to the Committee for the passage of "The Repealing and Amending Bill,

2014". The Committee decided to consider the draft report on "The Repealing and Amending Bill, 2014" in its next meeting proposed to be held on 20th February, 2015.

5. The Verbatim record of the proceedings was kept.

The meeting, then, adjourned at 2.23 p.m.

PARLIAMENT OF INDIA
RAJYA SABHA SECRETARIAT
MINUTES OF THE MEETING OF THE
SELECT COMMITTEE ON
"THE REPEALING AND AMENDING BILL, 2014"

IV

FORTH MEETING

The Committee met at 12.30 p.m. on Friday, the 20th February, 2015 in Committee Room 'A', Ground Floor, Parliament House Annexe, New Delhi.

MEMBERS PRESENT

1. Shri Bhupender Yadav—*Chairman*
2. Shri Avinash Rai Khanna
3. Shri Shantaram Naik
4. Shri Rangasayee Ramakrishna
5. Shri K.C. Tyagi
6. Shrimati Gundu Sudharani
7. Shri Rajeev Chandrasekhar
8. Shri Anil Desai

SECRETARIAT

1. Shri A.K. Singh, *Joint Secretary*
2. Shri Vimal Kumar, *Director*
3. Shri Sameer Suryapani, *Joint Director*
4. Shri Deepak Kalra, *Assistant Director*

2. At the outset, the Chairman welcomed the Members to the meeting of the Select Committee and informed them the agenda of the day. After some discussion, the Committee, considered its draft Report on "The Repealing and Amending Bill, 2014" and adopted the same.

3. The Committee also decided to present the Report to the House on Tuesday, the 24th February, 2015. The Committee authorized its Chairman and in his absence, Sh. Shantaram Naik and in the absence of the Chairman and Sh. Shantaram Naik to Sh. Anil Desai, Member of the Select Committee to present the Report to the House.

4. While concluding, the Chairman of the Select Committee expressed his gratitude to all the Members of the Committee for making their active participation, valuable contribution in the deliberations and added that it was because of them that the Select Committee was able to conclude the proceedings of the meetings, prepared the report and now would be able to present its report to Rajya Sabha within the time frame allotted to it. The Chairman also put on record its gratitude to the Officers/Staff of the Committee Section for extending Secretarial assistance to the Committee.

5. Verbatim record of the proceedings was kept.

The meeting, then, adjourned at 12.45 p.m.